IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

WP(C).No. 26852 of 2007(V)

PETITIONER:

PADMAKUMAR. AGED 29. S/O. KRISHNAN NAIR,
PULIYARA VEEDU, NADOORKOLLA, AMARAVILA PO.

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL

RESPONDENTS:

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1. VIJAYA BANK REPRESENTED BY ITS
MANAGER,SASTHAMANGALAM BRANCH, T.C. 9/1494,
AKSHAYA TOWERS,SASTHAMANGALAM JUNCTION,
THIRUVANANTHAPURAM

2. RAMESH KUMAR P,
SINDOORAM, T.C.6/`1117,KANJIRAMPARA,
THIRUVANANTHAPURAM, NOW RESIDING AT P.B. NO. 50665
FLAT NO. 6/1 HORALANZ, DELRA, DUBAI.

3. ISMAIL AZAD, T.C. 36/1908 (2)
PUTHENKAD, ENACHAKKAL, VALLAKKADAVU P.O.,
THIRUVANANTHAPURAM

BY S.C. FOR BANK MR. B.S. KRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 26852 OF 2007 V
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Dated this the 17th September, 2007

J U D G M E N T

This writ petition has been filed challenging the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 that have been initiated against respondents 2 and 3 who are the borrower and guarantor. As far as the Bank is concerned, the petitioner is a stranger to the transaction and the Bank objects to the locus standi of the petitioner to file this writ petition. On going through the writ petition, it is seen that the writ petition has been filed without any authority from respondents 2 and 3 who are the borrower and the guarantor. In the absence of any authorisation I agree with the counsel for the 1st respondent-Bank that the writ petitioner lacks locus standi to file this writ petition. In view of this, the writ petition has no merit and is dismissed.

ANTONY DOMINIC
JUDGE

jan/-